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## **OLR Bill Analysis**

### **SB 159**

#### ***AN ACT CONCERNING EMPLOYEE PRIVACY.***

##### **SUMMARY:**

This bill prohibits an employer from requesting or requiring an employee or job applicant to provide the employer with his or her password or other access to a personal on-line account. It also bans an employer from (1) firing, disciplining, or otherwise penalizing an employee or applicant who refuses to provide this information and (2) firing or retaliating against an employee who files a complaint under the bill. The bill applies to all public and private employers.

The bill gives the attorney general the authority to bring a Superior Court civil action against an employer and allows the court to fine the employer up to \$10,000. It defines “applicant” as anyone actively seeking employment from an employer, and “employer” means anyone engaged in business who has employees, including the state and any of its political subdivisions.

EFFECTIVE DATE: October 1, 2013

##### **BAN ON REQUESTING PASSWORDS OR ACCOUNT ACCESS**

The bill bans an employer or prospective employer from requesting or requiring that an employee or applicant provide the employer or prospective employer with a user name, password, or any other authentication needed for accessing a personal on-line account.

Under the bill, “personal on-line account” means an on-line account used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the employer or prospective employer, including, e-mail, social media, and retail-based Internet web sites. It does not include any account created, maintained, used or accessed by an employee or applicant for business-related purposes or

for a business purpose of the employer or prospective employer.

The bill also bans employers from discharging, disciplining, discriminating against, retaliating against, or otherwise penalizing any employee or applicant who:

1. refuses or declines to provide the employer with a user name, password, or any other authentication for accessing his or her personal on-line account;
2. files any complaint, whether verbally or in writing, with a public or private body concerning the employer's violation of the ban on asking for personal account access;
3. institutes a proceeding concerning the employer's violation of the ban on asking for personal account access; or
4. who testifies or is about to testify in any a proceeding related to a complaint under the bill.

#### **CIVIL ACTION AND PENALTY**

The bill authorizes the attorney general to bring a civil action in Superior Court against an employer who violates any of the bill's provisions. The court can assess a civil penalty of up to \$10,000 and order other appropriate equitable relief.

In determining the amount of any penalty, the bill requires the attorney general to take into account the employer's previous violations of the bill's provisions and the seriousness of those violations. This provision conflicts with the language that requires the court, not the attorney general, to determine the penalty.

#### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 7      Nay 3      (03/19/2013)